

REMARKS

The Examiner indicates claims 1 and 5 stand allowed. Claims 2 and 4 were canceled, and claims 3, 6 and 7 are amended herein in response to the latest Office Action. Support for the amendments can be found, *inter alia*, in example 2 of the application as filed.

Interview with the Examiner

Applicants thank the Examiner for the telephone interview on September 16, 2009 to discuss the amendments required to put this application in condition for allowance. The Examiner indicated that Applicants should simply file a response with the claim amendments as requested in the Office Action such that the rest of the claims can be put in condition for allowance. The Examiner indicated that no Examiner's Amendment would be possible at this stage. Applicants thanked the Examiner and indicated a response would follow shortly.

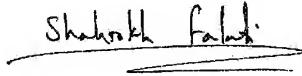
Rejection Under 35 U.S.C. § 112, Second Paragraph

In the Office Action, claims 3, 6 and 7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner alleges that claims 3 and 7 are vague because the preamble does not recite "native adiponectin," as does the body of the claim. The Examiner also rejects claim 3 for not providing a correlation step that relates the degree of latex-particle-agglutination to how much native adiponectin is present. In response, without agreeing with the Examiner on these points and solely to expedite an allowance of the claims, Applicants have added the word "native" to claims 3 and 7 such that it is consistent with the later use of the word in each claim, and have amended claim 3 to recite a correlation step. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

It is respectfully submitted that in addition to claims 1 and 5 which the Examiner indicated stand allowed, claims 3, 6 and 7 are also now in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims of this application are respectfully requested. Should the Examiner believe that anything further is desirable in order to place the

application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Date: September 21, 2009

Shahrokh Falati, Ph.D.
Attorney for Applicant(s)
Registration No. 58,160

Please address correspondence to:

Heslin Rothenberg Farley & Mesiti P.C.
5 Columbia Circle
Albany, NY 12203
Tel.: 518-452-5600
Fax: 518-452-5579

Customer No.: 23,405
Deposit Account No.: 08-1935